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Chairman: Mr. ZARIF (Islamic Republic of Iran)

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AGENDA ITEM 127: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

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The meeting was called to order at 10:20 a.m.

AGENDA ITEM 127: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES (A/47/325 and Add.1 and 2).

1. THE CHAIRMAN said that there was a technical error in the first sentence of paragraph 7 of the report of the Secretary-General (A/47/325); the period "1 October 1991 to 30 June 1992" should be "1 October 1991 to 13 July 1992".

2. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report (A/47/325 and Add.1 and 2), recalled that the item under consideration had first been included in the agenda in 1980, at the request of the Nordic countries. Since then the General Assembly, in each of the relevant resolutions, had emphasized the important role of diplomatic and consular missions and representatives, as well as of missions and representatives to international intergovernmental organizations and officials of such organizations, in the maintenance of international peace and the promotion of friendly relations among States. The Assembly had also requested States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives. The reporting system had been established under General Assembly resolution 35/168 and developed in subsequent resolutions; the current system had been adopted in resolution 42/154.

3. The Secretary-General's report, which had been prepared in implemention of General Assembly resolution 45/39, consisted of three sections. Section I (Introduction) reproduced the relevant paragraphs of resolution 45/39. Section II consisted of three subsections: subsection A contained an analytical summary of the reports received; subsection B contained the text of the reports; and subsection C contained a list of reminders addressed to States which had not provided information on reported incidents, with the date of follow-up reports, if any.

4. A total of 68 new cases of violations, as well as additional information on cases previously reported, were presented in document A/47/325 for the period from 1 October 1991 to 13 July 1992. Fourteen new cases of violations reported by States were presented in the two addenda for the period from 14 July to 18 September 1992. The number of new cases was therefore considerably higher than in 1991 and 1990, when there had been 40 and 35 new cases respectively.

5. With regard to the report from Venezuela appearing in document A/47/325/Add.2, the Secretary-General had just received a report from the Libyan Government on the incident in question. It would be made available to all States in the usual manner.

(Mr. Fleischhauer)

6. Section III provided information on the state of ratification of and accessions to the relevant instruments. It should be noted that since 30 June 1992, the number of States parties to those instruments had increased. Eight more States had become parties to the Vienna Convention on Diplomatic Relations, 13 more States had become parties to the Vienna Convention on Consular Relations and 4 more States had become parties to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. That demonstrated that States were becoming increasingly aware of the need to strengthen respect for the principles and rules of international law governing diplomatic and consular relations so as to enable the diplomatic community to fulfil its functions, which were essential to international life.

7. Mr. FIFE (Norway), speaking on behalf of the five Nordic countries, said the item under consideration had been included in the General Assembly's agenda 12 years earlier at the request of the Nordic countries. They noted with satisfaction that the Assembly had continued to consider the item on a regular basis and that it had condemned all violations of the protection of diplomatic and consular personnel and premises.

8. In accordance with generally accepted principles and rules of international law, receiving States were under an obligation to ensure the protection of diplomatic and consular personnel and premises and of missions and representatives to international organizations. Those principles were not designed to protect particular individuals, but rather to preserve communication between States in order to maintain international peace and security. Furthermore, while the representatives of sending States were entitled to the best protective measures, they were under a strict obligation to respect the laws and regulations of the receiving States.

9. The Nordic countries again expressed their concern at the continuing violence and harassment directed against diplomatic and consular agents and premises, as described in the Secretary-General's report. They reaffirmed the need for close cooperation between sending and receiving States in order to safeguard the privileges and immunities of diplomatic and consular personnel. The Nordic countries appealed to all States which had not yet done so to become parties to the relevant international legal instruments and drew attention to the procedures for reporting violations of the protection of diplomatic and consular missions and representatives, the guidelines for which were contained in the General Assembly resolutions on the item.

10. Mr. CEDE (Austria) said the proposition that international law constituted the very foundation of the international community had its corollary in the field of diplomatic and consular relations. The orderly and safe conduct of diplomatic business could be ensured only if the rules governing such relations among States were strictly observed. In that connection, compliance by States with the relevant provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular

(Mr. Cede, Austria)

Relations was essential. The nearly universal acceptance of those two instruments showed that they were the common legal denominator for both diplomatic and consular relations. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents complemented the two Vienna conventions.

11. That body of diplomatic and consular law was of great importance to a country like Austria, which was not only the receiving State for a number of diplomatic and consular missions, but which also hosted major international organizations. Providing adequate protection for all the diplomatic and consular missions, representatives, international organizations and their staff was an enormous task for the Austrian police. On the whole, the security situation of diplomats in Austria could be described as satisfactory; however, in 1991 there had been three incidents involving violations of the security of the diplomatic and consular missions of Turkey in Austria (A/47/325). The Austrian authorities had reacted promptly and forcefully in each case.

12. At a time when crime was increasing in various parts of the world, measures to enhance the protection, security and safety of diplomatic and consular missions and representatives deserved continued attention. It was incumbent on the Committee to monitor further developments and the response thereto by States, in terms of both domestic legislation and law enforcement.

13. Mr. GONDRA (Argentina), speaking on behalf of the countries of the Rio Group, said that although it could not be said that the protection, security and safety of diplomatic and consular missions and representatives had significantly improved since 1980, the periodic consideration of the subject was extremely valuable. Through the adoption of resolutions on the item, States renewed their commitment to protect diplomatic and consular missions and representatives and internationally protected persons. The Committee was able to assess the state of ratification of and accession to the main international conventions on the subject; and, in particular, the system of reporting by States provided a broad view of the situation and ensured adequate publicity of the violations which occurred and of the measures that were taken to bring the perpetrators to justice.

14. There was no doubt that, among the measures that States could take, accession to the Vienna Conventions was very important. However, States must also take administrative and legislative measures to fulfil the objectives of the Conventions.

15. Communication and cooperation between diplomatic and consular missions and the receiving State were important not only in strengthening links between States but also in facilitating the protection, safety and security of agents and their families, and property and premises. Practical measures should be taken to strengthen cooperation between the authorities of the receiving country and accredited representatives.

(Mr. Gondra, Argentina)

16. Breaches of the security and inviolability of representatives and missions were sometimes perpetrated by States, but most often by individuals, either common criminals or terrorists. Such actions, regardless of their perpetrator or motive, had no justification whatsoever and were serious violations not only of international law but also of the most elementary concepts of a civilized society.

17. The members of the Rio Group renewed their commitment to respect the principles and norms of international law relating to the protection and inviolability of diplomatic and consular agents and representatives and their missions; and called on other members of the international community to make a similar commitment.

18. Speaking as the representative of Argentina, he said that on 17 March 1992, a very regrettable incident had occurred in Buenos Aires, which had been duly reported to the Secretariat. As a result of a powerful explosion, the Israeli Embassy had been virtually destroyed and serious damage had been caused to nearby buildings. Many people had been killed or injured, including Israeli diplomats and many embassy personnel. The President of Argentina, and also various political leaders, had deplored the incident. His Government had established a compensation scheme for the victims, and had specifically indicated that the scheme was based, not on State responsibility or the provisions of civil law, but on special executive powers, taking into account the circumstances of the case. Investigations by the Argentine Federal Police were continuing, with the cooperation of special bodies in friendly countries.

19. Mrs. DLIMI (Tunisia) said that Tunisia strictly adhered to the norms of diplomatic and consular law and ensured the full implementation of the relevant conventions, especially in respect of the protection of diplomatic and consular missions and their representatives. That protection was not a matter of expediency but derived from respect for the principles and norms of international law.

20. Tunisia had acceded to the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic Relations in 1964 and 1968 respectively, and was also a party to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. In Tunisia, foreign missions and residences were guarded continuously by security agents. That protection was provided on the basis of the principle of reciprocity. The security agents wore civilian dress and used unmarked cars. Those measures were strengthened whenever problems arose or at the request of the mission concerned.

21. Tunisia had always ensured such protection because it was aware of the important role of diplomatic and consular missions in relations between States and in the consolidation of cooperation between them in all areas of

(Mrs. Dlimi, Tunisia)

international life. Encroachments on diplomatic immunity jeopardized the very essence of that cooperation and the civilized rights deriving from it.

22. Her delegation welcomed the new accessions to the relevant conventions and hoped that all members of the United Nations would act to safeguard diplomatic and consular immunities and the inviolability of diplomatic and consular missions.

23. Mr. WOOD (United Kingdom), speaking on behalf of the European Community and its member States, welcomed the work carried out by the Legal Counsel and his staff in implementing the reporting system and transmitting the reports received on a timely basis. It was understandable that there were some cases where it took States some months to respond, since a thorough investigation and follow-up to an incident inevitably took time. Nevertheless, States should be encouraged to submit interim responses pending the final outcome of an inquiry and possible prosecution.

24. The report before the Committee showed that attacks against diplomatic and consular missions and personnel had continued. A considerable number of the attacks reported had occurred in Europe, both within member States of the European Community and in other countries of Europe. As the report showed, in such cases the authorities of the member States had taken all possible steps to investigate the incidents and, where appropriate, to bring those involved to justice.

25. Many of the incidents reported involved the missions or representatives of the same States. It could not be overemphasized that whatever might be thought about the policies of a particular State, there could be no justification whatsoever for criminal attacks against its missions and representatives.

26. Two particular cases needed to be mentioned: the horrific explosion earlier in 1992 outside the Embassy of Israel in Buenos Aires in which many persons had been killed or injured; and the incident in April 1992 when the Venezuelan Embassy in Tripoli had been attacked and set on fire, following Venezuela's vote in the Security Council on resolution 748 (1992), without any action being taken by the Libyan guards or police.

27. The European Community and its member States vigorously condemn the abhorrent acts recorded in the report, which included the murder or attempted murder of diplomatic representatives. In addition to the devastating effects such acts had on the lives of individuals, they were liable to jeopardize friendly relations among States.

28. There was no lack of international instruments in the field of the protection of diplomatic and consular representatives and missions. General international law also contained principles and rules on the subject. It was to be hoped that States which had not yet become parties to the relevant

(Mr. Wood, United Kingdom)

conventions would soon do so. It was essential that existing obligations should be fully observed. Efforts should continue to be concentrated on strengthening the determination of States to abide fully by their international obligations.

29. Other violations of the obligations regarding diplomatic and consular privileges and immunities also gave cause for concern. It was essential that all States should observe scrupulously all obligations concerning the immunities, protection, security and safety of diplomatic and consular missions and representatives under general international law as well as the relevant international conventions.

30. Privileges and immunities were granted, not for the personal benefit of individuals, but in order to ensure the smooth and effective exercise of diplomatic and consular functions, for the benefit of international relations as a whole. Sending States had the right to expect that their diplomatic and consular representatives would be adequately protected and their privileges and immunities strictly observed. At the same time, abuses by missions or representatives of their privileges and immunities must be avoided. Respect for the laws of the receiving State was essential. The European Community and its member States would continue to cooperate in measures to deal with such abuses, which only served to undermine public acceptance of diplomatic privileges and immunities and, ultimately, to jeopardize the proper conduct of international relations.

31. The European Community and its member States remained strongly committed to the use of all lawful means for preventing crimes against diplomatic and consular representatives and violations of their immunities and were ready to strengthen international cooperation to that end by all possible means.

32. Mr. CASTILLO (Venezuela), referring to the attack on the Venezuelan Embassy in Tripoli (A/47/325/Add.2, para. 4), said that the President of the Security Council had made a statement on behalf of the Council (S/23772), at its 3064th meeting, on 2 April 1992, strongly condemning the violent attacks on and destruction of the premises of the Embassy and demanding that the Government of the Libyan Arab Jamahiriya take all necessary measures to ensure the security of the personnel and to protect the property of the Embassy of Venezuela in the Libyan Arab Jamahiriya, and that it pay to the Government of Venezuela immediate and full compensation for the damage caused.

33. Mr. YAGOB (Libyan Arab Jamahiriya), speaking in exercise of the right of reply and referring to the statements made by the representatives of the United Kingdom and Venezuela, said that, as the Legal Counsel had indicated in his opening remarks, the Libyan Arab Jamahiriya had already responded in connection with the matter under discussion. His delegation wished to inform the Committee that, after the adoption of Security Council resolution 748 (1992), which imposed sanctions on the Libyan Arab Jamahiriya, a group of young people had marched on several foreign embassies in protest. Despite

(Mr. Yagob, Libyan Arab Jamahiriya)

opposition from the security forces, the protesters had managed to force their way into the Venezuelan Embassy. They had eventually been expelled by the police and a heavy guard had been posted around the building. His Government expressed its sincere regrets to the Venezuelan Government and, in the hope that the incident would not affect the good relations between the two countries, was prepared to pay equitable compensation for the damage caused. Other premises had been made available to the Venezuelan Embassy and his Government had provided the Venezuelan Government with $280,000, representing two years' rent on the new premises. Further damages were being assessed by a special commission.

The meeting rose at 11.10 a.m.